

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:04-CR-210

v.

HON. ROBERT HOLMES BELL

CHARLES MARCUS PICKETT,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant Charles Marcus Pickett's *pro se* motion to dismiss this criminal case for lack of jurisdiction. (Dkt. No. 58.)

On May 6, 2005, Defendant was convicted of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g) based upon his plea of guilty to Count I of the indictment. (Dkt. No. 44.) Defendant was sentenced to 120 months of imprisonment. Defendant's conviction and sentence were affirmed on appeal. (Dkt. No. 52.) Defendant's conviction and sentence have become final.

Defendant seeks to have his conviction dismissed for lack of jurisdiction because he contends that the United States District Courts have no criminal jurisdiction to prosecute a state citizen for criminal activity that occurs on property that is not owned by the federal government.

The district courts of the United States “have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.” 18 U.S.C. § 3231. Defendant was charged with an offense against the laws of the United States. Accordingly, contrary to Defendant’s assertions, this Court did have jurisdiction over this criminal action. Accordingly,

IT IS HEREBY ORDERED that Defendant’s motion to dismiss for lack of jurisdiction (Dkt. No. 58) is **DENIED**.

Dated: March 5, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE